

City of Framingham

The City Council of Framingham



ORDER 2020-034-007 REQUEST OF THE CITY COUNCIL

UPON THE REQUEST OF THE PLANNING & ZONING SUBCOMMITTEE, THE CITY OF FRAMINGHAM, THROUGH THE FRAMINGHAM CITY COUNCIL, IT IS SO ORDERED:

That, after diligent review, the City Council votes to amend the Zoning Bylaw, Section V. Special Regulations, B. Historic Re-Use with the following changes:

1. Purpose & Intent: An additional clause was added ensure and emphasize that the reuse would maintain the integrity of the neighborhood that the structure is located within
Added: "All such uses shall comply with the dimensional regulations of the zoning district in which the property is located".
2. Delete 1.c. "Provide incentives for a project that maintains and preserves an historic building that otherwise might be demolished."
3. Delete 1.e. & 1.f. "Provide a variety of residential housing options that encourage and enhance residential opportunities to attract and retain residences" and Comply with the design standards set forth by the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67)."
4. Change 2.a.1. (regarding applicability) delete reference to 1939 and insert "a minimum of 75 years of age" to remove conflicting dates citing age reference that a structure is deemed historically significant.
5. 2.a.iii. change of language to clarify that a structural change is allowed versus inference that a permit has already been granted.
6. 2.b.i.c. add for emphasis to provide greater control by the Historical Commission: "shall make a formal review of the proposed project architecture, and shall provide a formal recommendation to the Planning Board." This would provide the ability for the Historical Commission to retain a peer review as per MGL Ch 44 Sec 53G in accordance with MGL Ch. 40a Sec 9 & 12. However, this is being reviewed by the City Solicitor for legal compliance. Also, the word "first" has been added with reference to the process in seeking an approval for modification.
7. 3.a.iii. added "limited to 75% of the square footage of the footprint of the existing structure. Alterations, infill, and/or additions shall be" ...compatible I scale, and design to the historic portion of the property....
8. 2.b.iv. Added language to clarify screening of rooftop equipment where applicable: "Use of rooftop mechanical equipment shall be architecturally screened."

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9. Section 4 no longer is listed as "Findings and Conditions of Approval". New heading: "Historic Reuse Provisions" Section Deleted and Replaced with new section as follows:

"No structure shall be erected, enlarged, or modified or land shall be divided, subdivided or modified prior to the granting or denial of said Special Permit prior to the submittal of an application to the Historical Commission or Historic District Commission for a determination of historic significance."

10. Procedure for Waiver: Added "No waiver shall be allowed to be granted to remove or modify" the architectural conditions imposed" by the Historical Commission ...etc.

It is noted that the full text of the amended section follows this Order.

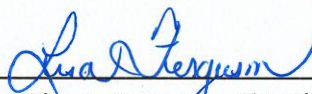
FIRST READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All Members were present in meeting room or via teleconferencing
PASSED IN COUNCIL: NOVEMBER 5, 2020

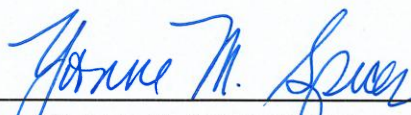
SECOND READING

YEAS: Bryant, Cannon, Case, King, Leombruno, Long, Ottaviani, Shepard, Stefanini, Steiner, Stewart-Morales
NAYS: None
ABSTAIN: None
ABSENT: All Members were present in meeting room or via teleconferencing
PASSED IN COUNCIL: NOVEMBER 10, 2020

A TRUE RECORD, ATTEST:



Lisa A. Ferguson, City Clerk
Emily L. Butler, Assistant City Clerk



Yvonne M. Spicer, Mayor



Date Approved



Date Approved

B. HISTORIC RE-USE**1. Purpose and Intent**

The purpose of the Historic Reuse Ordinance is to preserve and enhance historically significant buildings and/or properties while maintaining the integrity of the neighborhood in which they were built. Historic preservation is encouraged through the redevelopment and/or reuse of such historic properties by allowing a variety of uses and incentives for such efforts. All such uses shall comply with the dimensional regulations of the zoning district in which the property is located.

An Historic Reuse project shall be developed with the following intent:

- a. Preserve historically significant buildings through redevelopment and/or reuse that provides a variety of allowed uses.
- b. Maximize the retention of distinctive materials, features, spaces, and/or spatial relationships of the building and/or buildings.
- c. Comply with the design standards set forth by the Secretary of the Interior's Standards for Rehabilitation (36 CFR 67). Maintain the historic character of a property while providing incentives for preservation rather than razing an historic building.
- d. Preserve architectural, cultural, and unique features common to an historic building and the time periods it represents, while utilizing distinctive materials, features, finishes, and construction techniques that emphasize the particular character of the property.
- e. Support the Master Land Use Plan, Housing Plan, Historic Preservation Plan, and other associated planning efforts of the City.

2. Applicability and Procedure for Historic Reuse Projects**a. Applicability and Allowed Uses**

- i. Structures to be considered for historic reuse and preservation under this Ordinance shall be a minimum of 75 years of age and deemed historically significant by the Historical Commission or Historic District Commission.
- ii. Such structures that have been deemed historically significant shall be located within the R-1, R-2, R-3, R-4, B-1, B-2, B-3, B-4, B, P, and CB.
- iii. Historically significant buildings may be utilized for the following uses: uses that are allowed within the underlying zoning district; Two-family Dwelling, (Section II.B.1.B); Multi-family Dwelling (Section II.B.1.C); Home Occupation (Sections II.B.B.2.a and II.D); Business or Professional Office (Section II.B.5.A); Artist Live/Work/Gallery (Section II.B.1.D); Bed and Breakfast; or a mixture of uses as allowed within this Section V.B.2.a.iii.
- iv. Renovation of existing carriage houses, barns, and other historic outbuildings is strongly encouraged.

b. Permit Granting Authority and Permit Procedure

- i. The Applicant shall seek a determination of historic significance from either the Historical Commission or Historic District Commission prior to filing with the Planning Board.
 - a) Structures shall be a minimum of 75 years of age to be considered for historical significance and use of this Ordinance.
 - b) The historic significance of properties in any of the Town's Local Historic Districts as defined by the General Ordinances Article VII, Section 5, shall be determined by the Historic District Commission.
 - The Historic District Commission shall grant a Certificate of Appropriateness or Certificate of Non-Applicability for any proposed work that falls under General Ordinances Article VII, Section 5, before the Applicant can utilize Section V.B
 - In the event that any modifications are proposed to be made to the project after the Certificate of Appropriateness or Certificate of Non-Applicability is granted, the

Applicant is required to first seek approval for said modifications from the Historic District Commission.

- c) For properties outside of the Town's Local Historic Districts, as defined by the General Bylaws Article VII, Section 5, the Historical Commission shall make a Determination of Significance, shall provide a list of historic features to be maintained, shall make a formal review of the proposed project architecture, and shall provide a formal recommendation to the Planning Board.
- ii. In the event that modifications are to be made to the project after the Determination of Significance and list of historic features is provided, the Applicant shall first seek approval for said modifications from the Historical Commission. The Planning Board shall be the SPGA for the Historic Reuse Ordinance.
- iii. All Historic Reuse applications shall be subject to the written procedures outlined in Special Permits (Section VI.E); Site Plan Review (Section VI.F); the allowed use identified in Section V.B.2.a.ii; and the Historic Reuse Ordinance (Section V.B). Furthermore, residential projects shall comply with all provisions of the Inclusionary Housing Ordinance (Section V.H), except for projects with less than 20 residential units, which shall be exempt.

3. Historic Project Requirements

a. Project Design and Redevelopment

- i. Projects shall conform, at a minimum, to the standards set forth in the Secretary of the Interior's Standards for Rehabilitation at 36 C.F.R. 67, et. seq.
- ii. The original qualities and character, the distinctive architectural features, and the craftsmanship of the historic building shall be maintained through the redevelopment and/or reuse of the property.
- iii. Alterations, infill, and/or additions shall be limited to 75% of the square footage of the footprint of the existing structure. Alterations, infill, and/or additions shall be compatible in scale and design to the historic portion of the project. Such additions shall complement the historic nature of the property and shall not destroy, damage, and/or derogate from the historic integrity of the building.
- iv. Additions shall only be constructed on the side and/or rear of any building deemed to have historic significance.
- v. Alterations, infill, and/or additions shall be expressly designed to retain the essential original form and integrity of the historic structure without detriment in the event that such new portions of the historic building were to be removed.
- vi. All reasonable efforts shall be made to minimize alterations to the defining characteristics of an historic structure. Moreover, compatible sustainable materials shall be used when making such alterations.
- vii. All efforts shall be made to the greatest extent feasible to restore and repair deteriorated and/or missing historically significant features and characteristics that define the time period which they represent. All replacement materials shall match the materials being replaced in composition, design, color, and texture to replicate the original construction of the structure.
- viii. All rehabilitated structures shall conform to the requirements set forth in Section IV.E Dimensional Regulations.
- ix. The reuse and rehabilitation of historic carriage houses, barns, and other outbuildings is encouraged. Any historic, character-defining features on these buildings shall be retained and rehabilitated.
- x. All efforts shall be made to the greatest extent feasible to protect the abutters and the neighborhood from any negative impacts caused by an increase in size of the buildings(s) and/or the new use(s) of the building(s) and property allowed by the Historic Reuse Special Permit.

b. Off-street Parking and Site Improvements

- i. Off-street parking shall not be located forward of an imaginary line drawn through the front façade farthest from any front lot line. The Planning Board may waive this requirement if it determines that the site layout or location of the structure(s) makes this requirement unfeasible or that a better plan will result from such a waiver.
- ii. Off-street parking shall be screened and buffered by landscaping, fencing, and/or other natural features.
- iii. Off-street parking shall be in compliance with Section IV.B.1.a
- iv. All utilities shall be located underground; mechanical equipment shall be screened with fencing and landscaping; HVAC units shall be located to the rear of the building. Use of rooftop mechanical equipment shall be architecturally screened.
- v. Any new construction shall be sited to maintain historic viewsheds and other historic landscape features that contribute to the property's character such as gardens, fields, or stone walls.

c. Residential Units

- i. Residential units shall not be less than 600 square feet of area.
- ii. Entrances shall be separate where an historic reuse project contains both residential and non-residential uses.

4. Historic Reuse Provisions

No structure shall be erected, enlarged, or modified, nor land shall be divided, subdivided, or modified prior to the granting or denial of said Special Permit prior to the submittal of an application to the Historical Commission or the Historic District Commission for a determination of historic significance.

5. Procedure for Waiver

An Historic Reuse project shall comply with Section V.B. in its entirety to the greatest extent feasible. However, the Planning Board may waive the requirements for Section V.B.3 by a four-fifth vote where such waivers will allow for better design and/or improved protection of historic resources. No waiver shall be allowed to be granted to remove or modify the architectural conditions imposed by the Historical Commission or the Historic District Commission.

6. Variance

A variance authorizing a use or activity not otherwise permitted in the Zoning District or allowed by the Historic Reuse Ordinance shall be prohibited from the use of this Ordinance.
